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**IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LANE**

DITECH FINANCIAL LLC,  
Plaintiff,

v.

DANIEL MAYHEW AFFIANT OF THE  
SMALL ESTATE OF MARTIN DOUGLAS  
MAYHEW; DANIEL MAYHEW,  
INDIVIDUALLY; DOUGLAS MAYHEW;  
CASEY MAYHEW; CHRISTY A.  
MANNING; LEVI WALLACE MAYHEW;  
MARISA WALLACE MAYHEW; TIMMY  
WHITTED; THE BANK OF NEW YORK  
MELLON FKA THE BANK OF NEW YORK  
AS SUCCESSOR BY MERGER TO BANK  
ONE, AS TRUSTEE FOR THE HOLDERS  
OF CWABS MASTER TRUST REVOLVING  
HOME EQ. LOAN ASSET BACKED NOTES  
SERIES 2002-H AND ALL OTHER  
PERSONS OR PARTIES UNKNOWN  
CLAIMING ANY RIGHT, TITLE, LIEN, OR  
INTEREST IN THE REAL PROPERTY  
COMMONLY KNOWN AS 2420  
ROOSEVELT BLVD, EUGENE, OR 97402,  
Defendant.

Case No. 17CV11798

**WRIT OF EXECUTION**

TO THE LANE COUNTY SHERIFF:

On September 21, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LANE County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: DITECH FINANCIAL LLC c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 2420 ROOSEVELT

1 BLVD, EUGENE, OR 97402 ("Subject Property"), and legally described as:

2 BEGINNING AT A POINT 495.8 FEET SOUTH 89° 43' WEST AND 480.0 FEET  
3 NORTH OF THE SOUTHEAST CORNER LOT 1 OF OAK HOME, AS PLATTED AND  
4 RECORDED IN VOLUME 2, PAGE 5, LANE COUNTY OREGON PLAT RECORDS; AND  
5 RUN THENCE NORTH 120.0 FEET; THENCE SOUTH 89° 43' WEST 84.0 FEET; THENCE  
6 SOUTH 120.0 FEET; THENCE NORTH 89° 43' EAST 84.0 FEET TO THE PLACE OF  
7 BEGINNING, IN LANE COUNTY, OREGON.

8  
9 EXCEPT THEREFROM ANY PORTION LYING WITHIN THE BOUNDS OF  
10 ROOSEVELT BOULEVARD ON THE NORTH.

11  
12 The total amount due and owing on the Judgment as of [DATE JUDGMENT WAS  
13 GRANTED];

14	Judgment:	Principal	\$108,091.89
15	Pre-Judgment:	Interest(5.875%, \$9.40/day)	\$188.00 (September 1, 2017 through
16			September 21, 2017)
17		Attorney Fees	\$3,095.00
18		Costs	\$3,003.00
19		Prevailing Party Fee	\$300
20	Post-Judgment:	Interest(5.875%, 9.40/day)	\$394.80 (September 22, 2017 through
21			November 3, 2017)
22		Attorney Fees	\$305.00
23		Costs	\$0.00

24 **TOTAL: \$115,377.69**

25 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale  
26 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the

1 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.  
2 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the  
3 holder of the certificate of sale.

4  
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6 NOV 16 2017

7  
8 By: Angie Jones  
court clerk

9 Presented by:  
10 ALDRIDGE PITE, LLP

11 Smathenia  
12 Sarah M. Mathenia, OSB #120681  
13 (858) 750-7600  
14 (503) 222-2260 (facsimile)  
smathenia@aldridgepite.com



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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF LANE

DITECH FINANCIAL LLC,

Plaintiff,

v.

DANIEL MAYHEW AFFIANT OF THE  
SMALL ESTATE OF MARTIN DOUGLAS  
MAYHEW; DANIEL MAYHEW,  
INDIVIDUALLY; DOUGLAS MAYHEW;  
CASEY MAYHEW; CHRISTY A.  
MANNING; LEVI WALLACE MAYHEW;  
MARISA WALLACE MAYHEW; TIMMY  
WHITTED; THE BANK OF NEW YORK  
MELLON FKA THE BANK OF NEW YORK  
AS SUCCESSOR BY MERGER TO BANK  
ONE, AS TRUSTEE FOR THE HOLDERS  
OF CWABS MASTER TRUST REVOLVING  
HOME EQ. LOAN ASSET BACKED NOTES  
SERIES 2002-H and ALL OTHER PERSONS  
OR PARTIES UNKNOWN CLAIMING ANY  
RIGHT, TITLE, LIEN, OR INTEREST IN  
THE REAL PROPERTY COMMONLY  
KNOWN AS 2420 ROOSEVELT BLVD,  
EUGENE, OR 97402,

Defendants.

Case No. 17CV11798

**GENERAL JUDGMENT OF  
FORECLOSURE AND DECLARATION OF  
AMOUNT DUE BY DEFAULT**

ORCP Rule 69

PURSUANT TO SB368, THIS IS A  
JUDGMENT OF FORECLOSURE AND DOES  
NOT CONSTITUTE A MONEY AWARD  
AGAINST ANY DEFENDANT

Based upon the Court's Order of Default against defendants Daniel Mayhew Affiant Of  
The Small Estate Of Martin Douglas Mayhew; Daniel Mayhew, individually; Douglas Mayhew;  
Casey Mayhew; Christy A. Manning; Timmy Whitted; The Bank Of New York Mellon FKA  
The Bank Of New York as Successor by merger to Bank One, as trustee for the holders of  
CWABS Master Trust Revolving Home EQ. Loan Asset Backed Notes Series 2002-H and All  
Other Persons Or Parties Unknown Claiming Any Right, Title, Lien, Or Interest In The Real  
Property Commonly Known As 2420 Roosevelt Blvd, Eugene, OR 97402, the records on file  
Page 1 -- GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 herein, and pursuant to the Motion for General Judgment and Declaration of Amount Due by  
2 Default by Plaintiff Ditech Financial LLC ("Plaintiff"),

3 **IT IS HEREBY ADJUDGED:**

4 1. Plaintiff's security interest in the real property located at 2420 Roosevelt Blvd,  
5 Eugene, OR 97402 ("Subject Property"), as evidenced by the Deed of Trust recorded October  
6 21, 2002 in the official records of Lane County as instrument number 2002-081247 ("Deed of  
7 Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,  
8 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien  
9 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

10  
11 BEGINNING AT A POINT 495.8 FEET SOUTH 89° 43' WEST AND 480.0 FEET  
12 NORTH OF THE SOUTHEAST CORNER LOT 1 OF OAK HOME, AS PLATTED  
13 AND RECORDED IN VOLUME 2, PAGE 5, LANE COUNTY OREGON PLAT  
14 RECORDS; AND RUN THENCE NORTH 120.0 FEET; THENCE SOUTH 89° 43'  
15 WEST 84.0 FEET; THENCE SOUTH 120.0 FEET; THENCE NORTH 89° 43' EAST  
16 84.0 FEET TO THE PLACE OF BEGINNING, IN LANE COUNTY, OREGON.

17  
18 EXCEPT THEREFROM ANY PORTION LYING WITHIN THE BOUNDS OF  
19 ROOSEVELT BOULEVARD ON THE NORTH.

20  
21 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court  
22 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,  
23 in the manner provided by law;

24 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount  
25 due under the Note and Deed of Trust and any future advances and/or fees that may be made or  
26 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.

Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

1 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

2 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an  
3 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule  
4 68(C), which amount may be added to the outstanding obligation due and owing under the Note  
5 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of  
6 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied  
7 by sale of the Subject Property as directed under this Judgment;

8 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule  
9 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing  
10 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant  
11 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This  
12 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

13 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by  
14 sale of the Subject Property as directed under this Judgment.

15 7. The Sheriff shall make a return on the writ of execution to the court administrator  
16 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first  
17 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure  
18 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or  
19 parties as may establish their right thereto. The Defendants and all persons claiming through or  
20 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior  
21 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and  
22 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and  
23 every part of the Subject Property when the time for redemption has elapsed;

24 8. Plaintiff or any other party to this action may become a purchaser at the  
25 foreclosure sale, and such purchaser shall be immediately let into possession of the subject  
26 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any

1 successor in interest may apply to this Court for a writ of assistance to gain possession of the  
2 subject property if Defendants or any other party or person refuses to surrender possession;

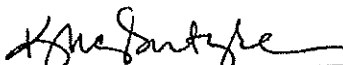
3 DECLARATION OF AMOUNT DUE BY DEFAULT

4 (PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT  
5 CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

- 6
- 7 1. The amount of the judgment is \$108,091.89.
  - 8 2. Simple interest at the variable rate currently at 5.875% (\$9.40 *per diem*) after  
9 August 1, 2017 through the date of sale.
  - 10 3. Attorney fees of \$3,095.00, plus \$305.00 through the date of sale.
  - 11 4. Costs of \$3,003.00 plus costs accrued through the date of sale.
  - 12 5. Prevailing party fee: \$300.00.

13 **IT IS SO ADJUDGED**

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18 Signed: 9/18/2017 02:10 PM

19   
20 Karrie K. McIntyre, Circuit Court Judge

21 CERTIFICATE OF READINESS

22 This proposed Order or Judgment is ready for judicial signature because:

- 23
- 24 1.  Each opposing party affected by this Order or Judgment has stipulated to the Order  
25 or Judgment, as shown by each opposing party's signature on the document being  
26 submitted.
  2.  Each opposing party affected by this Order or Judgment has approved the Order or

Page 4 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

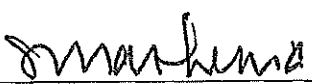
Aldridge Pite, LLP  
111 SW Columbia Street, Suite 950  
Portland, OR 97201  
(858) 750-7600

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Judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.

- 3.  I have served a copy of this Order or Judgment on all parties entitled to service and:
  - a.  No objections have been served on me within that time frame;
  - b.  I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I received and indicated which objections remain unresolved;
  - c.  After conferring about objections, [Opposing Party] agreed to independently file any remaining objection with the Court.
- 4.  The relief sought is against an opposing party who has been found in default.
- 5.  An order of default is being requested with this proposed judgment.
- 6.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- 7.  This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule.

Presented By:  
ALDRIDGE PITE, LLP



Date: 9/8/17

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Of Attorneys for Plaintiff  
DITECH FINANCIAL LLC